

EAST AYRSHIRE COUNCIL

CABINET - 2 SEPTEMBER 2009

GUIDANCE ON LOCATION OF WIND FARMS IN AYRSHIRE

Report by Depute Chief Executive/ Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 To advise the Cabinet of progress towards finalising planning policy guidance for windfarms in Ayrshire in accordance with the provisions of the Scottish Government's planning policy and formal advice, the Ayrshire Joint Structure Plan and the Alteration to the East Ayrshire Local Plan Finalised version with Modifications, and to seek the view of the Cabinet on what form this guidance should take.

2. BACKGROUND

- 2.1 SPP 6: Renewable Energy, published in March 2006, sets out the Scottish Government's policy on renewable energy including windfarms. That document refers to Planning Advice Note (PAN) 45: Renewable Energy Technologies which provides additional advice on key issues associated with the main renewable technologies, which planning authorities should consider when preparing development plan policies and determining planning applications.
- 2.2 In August 2007 the incoming government advised councils that SPP6 would continue to be the basis for onshore wind farms and that the provisions should be taken forward by local authorities as supplementary guidance. As a result the Chief Planner wrote to Councils advising of the intention for government to appoint consultants to assist Councils in preparing this guidance and for government to prepare a revised PAN. However this was much delayed and PAN 45 Annex 2; Spatial Frameworks and Supplementary Planning Guidance for Windfarms was not published until November 2008. This sets out the main provisions of how SPP6 should be interpreted in terms of supplementary planning guidance and this is summarised in Section 3 of this report.
- 2.3 The Ayrshire Joint Structure Plan was approved in November 2007 and contained detailed policies for the location of onshore wind farms (ECON 6 & 7). Substantial modifications were made to these policies by government from those agreed by the Ayrshire Councils to ensure compliance with SPP6 and these policies form the basis of the policies in the East Ayrshire Local Plan.

- 2.4 As the timing of the government advice for Councils to prepare further guidance and approval to the structure plan occurred at or about the same time considerable confusion existed as to whether Councils in Ayrshire needed to prepare any further supplementary guidance with such an up to date policy basis. Nevertheless, with the publication of PAN 45 Annexe 2, and to ensure compliance with the government requirement to prepare supplementary guidance, the three Ayrshire Councils agreed that the Ayrshire Joint Planning Unit (AJPU) should consider whether further advice/guidance was necessary or if policies in the structure plan are sufficiently robust against the requirements on Annexe 2.
- 2.5 AJPU have now produced a draft document, entitled Wind Farm Supplementary Planning Guidance, which forms the appendix to this report. This was submitted to the first formal meeting of the Ayrshire Joint Planning Steering Group in April 2009 where it was agreed the report should be passed to individual Ayrshire councils for their approval with a recommendation that officials should give consideration as to how the guidance can be most effective in conforming to the new planning system.

3. REQUIRED PROVISIONS OF SPGs FOR WIND FARMS

- 3.1 PAN 45: Annex 2 states that SPG provisions should be based on the principle that:

'windfarms should be accommodated where technology can operate efficiently and environmental and cumulative impacts can be addressed satisfactorily. '

The SPGs should indicate, through a combination of a spatial framework and policies, where and according to what criteria wind farms can be accommodated, while recognising that each proposal has to be considered on its merits.

- 3.2 The spatial framework of SPGs are required to set out a spatial framework indicating:

- A. those broad areas of search where proposals are likely to be supported, subject to specific proposals satisfactorily addressing all other material considerations;
- B. those areas that can be afforded significant protection through spatial policies and
- C. the criteria to be followed in the remainder of the plan area, where windfarms will be considered against these on their own merits.

- 3.3 SPGs are also required to identify those areas where there are already windfarms and the main factors that would be taken into

account to determine the level of cumulative impact that would be acceptable, therefore indicating a limit on further windfarm developments in certain areas.

- 3.4 SPGs are also required to identify any planning constraints based on those categories set out in SPP 6: Renewable Energy.

4. APPLICATION OF SPG PROVISIONS TO EAST AYRSHIRE

- 4.1 As regards the spatial element of SPGs as set out in paragraph 3.2 above to East Ayrshire, the following should be noted:

A. Broad Areas of Search

- the only Broad Area of Search identified by the Ayrshire Joint Structure Plan in East Ayrshire is at Whitelee. The AJPU report confirms that the identification of the broad area of search is consistent with advice given in PAN 45 Annexe 2. and this area has been refined in the Alteration to the East Ayrshire Local Plan Finalised Version with modifications to provide detailed boundaries.

B. Areas to be afforded significant protection

- the draft guidance also confirms all Sites of Special Scientific Interest, the Muirkirk & Lowther Uplands Special Protection Area (SPA) and the Airds Moss and Merrick Kells Special Areas of Conservation (SACs) as being areas that should be afforded significant protection.

- 4.2 As regards Areas of Potential Constraint in East Ayrshire the draft guidance has identified particular local interests, features and designated areas which should be protected from inappropriate windfarm developments. These include the historic environment, areas designated for their regional and local natural heritage value, tourism and recreational interests, communities, buffer zones (eg relating to noise), aviation and defence interests and broadcasting installations.

5. SUGGESTED FORM OF WINDFARM GUIDANCE FOR AYRSHIRE

- 5.1 PAN 45 (Annex 2) states that the public, developers, communities, interest groups and other stakeholders should be involved in the preparation of Supplementary Planning Guidance so that the

document can be afforded maximum weight in the decision making process. SPP6: Renewable Energy itself puts considerable stress on public participation in the SPG preparation process.

- 5.2 SPGs for windfarms may also constitute a qualifying plan for SEA purposes under the Environmental Assessment (Scotland) Act 2005 and therefore screening procedures would have to be undertaken prior to determining any SEA requirement.
- 5.3 The AJPU study reports the conclusions of the re-assessment of structure plan policies ECON 6 and 7 specifically against the PAN 45 Annexe 2 requirements for supplementary planning guidance. The report confirms that using the methodology suggested by Annexe 2 produces exactly the same policy basis as approved in the structure plan. The report does clarify how current policy is defined and is more explicit than previous technical working notes on what generally will or will not be acceptable, but it is important to note this does not in any way change or alter policy within the Ayrshire Joint Structure Plan. The report also confirms conformity with SPP6, which is perhaps not surprising as the structure plan modifications are the government's own words. The question that remains therefore is whether any further benefit can be gained by publishing the report as planning guidance or supplementary planning guidance in terms of either the previous or the new planning system.
- 5.4 It is considered that the formal SPG procedures detailed in PAN 45 (Annex 2), including public consultation and SEA, could not be executed and finalised in the short term and that any delay in finalising the proposed guidelines would result in a hiatus in the availability of planning guidance to assist assessment of any pending wind farm proposals. This could potentially result in less informed and consistent decision making by the Ayrshire authorities, or in the advice to the Scottish Government on Section 36 proposals.
- 5.5 With the Ayrshire Joint Structure Plan policies considered to be robust and in accordance with SPP6 and PAN 45 Annexe 2 and with detailed policies on wind farms developed in the East Ayrshire Local Plan it is considered that, rather than taking the form of formal Supplementary Planning Guidance, the AJPU report should only take the form of an Addendum to Technical Report TR 03/ 2006: Renewables of the approved Ayrshire Joint Structure Plan. In this way the Addendum would become an, albeit non-statutory, material consideration in the determination of wind farm and other wind energy developments but would be firmly embedded in confirming Structure Plan policy.

6. FINANCIAL IMPLICATIONS

- 6.1 Were a formal SPG to be prepared, under the provisions of PAN 45 (Annex 2) it would be necessary for formal public consultation and potentially, for an SEA to be prepared. This would have financial implications for the Council in terms of costs for formal advertisements in the press and potentially the arrangement and servicing of public displays and meetings. Approval of the supplementary guidance as an Addendum to Technical Report TR 03/ 2006: Renewables of the Structure Plan, which this report recommends, would mean that such costs would not be incurred, and therefore there would be no financial implications to the Council.

7. PERSONNEL IMPLICATIONS

- 7.1 There would be manpower implications associated with carrying out any formal public consultation and preparing any SEA in relation to the preparation and promotion of a formal SPG. There would be no such implications if the windfarm guidance took the form of an Addendum to Technical Report TR 03/ 2006: Renewables of the Structure Plan .

8. LEGAL IMPLICATIONS

- 8.1 There would be no legal implications for the Council if the windfarm guidance took the form of an Addendum to Technical Report TR 03/ 2006: Renewables of the Structure Plan.

9. POLICY IMPLICATIONS

The preparation of planning guidance for windfarms would accord with Policy CS 14 (Note (ii)) of the Alteration to the East Ayrshire Local Plan Finalised Version with Modifications. Note (ii) states that such guidance will be adopted by the Council as a material consideration in the assessment of all new wind farm proposals and developers will be expected to pay due regard to the provisions of the guidance in the formulation of their proposed developments.

10. COMMUNITY PLANNING IMPLICATIONS

- 10.1 The wind farm guidance will contribute to providing a policy framework whereby the aims and aspirations of the 'Delivering Community Regeneration Action Plan' can be achieved.

11. RISK MANAGEMENT

- 11.1 Preparation of wind farm guidance as specified above will not involve any direct issues relating to Risk Management. However, owners of wind turbines must ensure that they are inspected; maintained and appropriate insurance cover is in place.

12. RECOMMENDATIONS

- 12.1 Cabinet is asked to:

(i) agree that the Head of Planning & Economic Development confirms with his counterparts at North and South Ayrshire Councils that the planning guidance for wind farms should be as an Addendum to Technical Report TR 03/ 2006: Renewables of the approved Ayrshire Joint Structure Plan; and

(ii) Subject to the agreement under (i) above approve, the planning guidance Windfarms as produced by the Ayrshire Joint Planning Unit (and reproduced in the appendix to this report) as being material in the determination of any future planning applications and decisions relating to windfarms in East Ayrshire.

Elizabeth Morton
**Depute Chief Executive/
Executive Director of Corporate Support**
17 August 2009 (CMcK/SA)
FV-AN

LIST OF BACKGROUND PAPERS

1. Minute of Ayrshire Joint Planning Steering Group 30th April 2009
Item 5: Windfarm Supplementary Planning Guidance 2009.
2. Ayrshire Supplementary Planning Guidance: Wind Farm
Development (Ayrshire Joint Planning Unit - February 2009).
3. Planning Advice Note (PAN) 45 - Annex 2: Spatial Frameworks and
Supplementary Planning Guidance for Wind Farms.
4. Scottish Planning Policy (SPP) 6: Renewable Energy.
5. Ayrshire Joint Structure Plan 2025 - Report of Survey Technical
Report TR 03/ 2006: Renewables.

Implementation Officer: Alan Neish

AYRSHIRE JOINT PLANNING STEERING GROUP
30th APRIL 2009

Wind Farm Supplementary Planning Guidance 2009

PURPOSE OF REPORT

- 1 To seek agreement for the Ayrshire Joint Structure Plan non statutory Supplementary Planning Guidance on Wind Farm Development to be passed to Councils for their individual approval.

BACKGROUND

- 2 Planning authorities are encouraged to support the development of wind farms where technology can operate efficiently and where environmental and cumulative impacts can be effectively addressed. The Scottish Government has requested that councils provide up to date planning frameworks for wind farms. Although up to date approved policies are contained within the Ayrshire Joint Structure Plan (Policies ECON 6 & ECON 7) it has been agreed that supplementary planning guidance should be prepared. The Guidance is intended to provide developers with greater clarity on which areas are likely to be acceptable and also indicate which areas it is not in terms of structure plan policies. The Guidance is also intended to assist in the preparation of the future local development plans that will be developed at a more detailed level and covers wind farms of all capacities.

SCOPE

- 3 The submitted supplementary policy statements are not intended to provide guidance on site specific issues associated with developments, off shore wind energy development, micro generation schemes or other renewable energy development or energy conservation. It does however apply to all new schemes, to extensions or repowering of existing schemes. The guidance is to be applied to all wind farm development including proposals over 50MW which are determined by the Scottish Government through the Energy Consents Unit under the Electricity Act 1989.
- 4 The Guidance is divided into two sections: Spatial Framework and Visual and Landscape considerations. To support the written content of the Guidance a web mapping facility has been prepared to illustrate the constraints and their spatial extent [://gis.south-ayrshire.gov.uk/mapsAJPUWindFarm/](http://gis.south-ayrshire.gov.uk/mapsAJPUWindFarm/)

CONTENT

Spatial Framework

- 5 The process and content of SPG is heavily prescribed by national planning advice contained within ANNEX 2 to PAN 45. This guidance requires spatial frameworks to be developed which;
 - Identify areas that require significant protection from wind farm development; this includes areas which have national and international natural heritage value, greenbelts and areas where the cumulative impact of wind farms limit further development. (Illustrated by Map1 in the Guidance)
 - Areas with potential constraints (illustrated by Map2 & Map 3) and where proposals will be considered on their individual merits against policy criteria. and
 - Areas within which appropriate proposals are likely to be supported subject to the detailed consideration (Map 4)
- 6 In addition to the above, Government advice requires Planning Authorities to take into account cumulative impact and to afford areas significant protection if it is felt an acceptable threshold has been reached. The Guidance has sought to incorporate this advice by minimizing the impact of large scale wind farms through the designation of a 30km buffer around the areas of search identified. By establishing a clear boundary and visual separation from other grouping of wind farms the intent is to minimize the perception of wind farmed landscapes covering large parts of Ayrshire. In addition to safeguarding landscape and visual interest this buffer mitigates the effects windfarms have on aviation. In addition in the light of recent consents covering the Clyde Muirshiel Regional Park significant protection is given to this landscape in the areas outside the EU designated Special Protection Area.

Visual & Landscape Issues

- 7 The diversity of the landscape is seen as a major asset in economic development, tourism, leisure and recreation as well as a source of pride and pleasure to residents. This diversity in character was analyzed by Land Use Consultants in 1998 and incorporated into the “Ayrshire Landscape Assessment”. Within this document planning and management guidelines included advice on the acceptability of tall structures and wind farms within the landscape character types. These character types were reviewed against a series of criteria which sought to define the sensitivity of these landscapes to change. In these defined areas of sensitive landscape character protection and enhancement of the landscape is recognized as a priority.
- 8 Further advice was also prepared by Land Use Consultants in 2004 and this considered the cumulative effect of meeting future national targets. Importantly this advice showed that

